

Notice of Allowability

Application No.

10/802,242

Examiner

Ruth C. Rodriguez

Applicant(s)

EWING, STEPHAN C.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 July 2006.
2. ☒ The allowed claim(s) is/are 1,3-11,17 and 21-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James F. Kirk on 21 July 2006.

The application has been amended as follows:

Claims 12-16 and 18-20 are canceled.

The following is an examiner's statement of reasons for allowance:

For claim 1, Choy discloses a manually releasable clip holder comprising a base-plate, an insert, a flap and a spring. The base-plate is substantially flat. The insert is coupled to the base-plate. The insert has an insert cover positioned over the base plate to form an insert channel over the base plate. The insert cover has a top edge, a bottom edge, an inner surface and an outer surface. The insert channel having an insert channel entrance adjacent the insert cover top edge. The flap is pivotally coupled to the base plate. The flap has top edge and bottom edges. The spring is coupled to restore the flap to a predetermined restored position with the flap bottom edge positioned above the insert cover top edge with the flap bottom edge protruding beyond the insert cover outer surface by a predetermined insert cover outer surface to flap

bottom edge clearance distance that is greater than zero. Choy fails to disclose that the flap bottom edge is extended towards the insert channel. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the flap bottom edge extended towards the insert channel and having the flap bottom edge also protruding beyond the insert cover outer surface by a clearance distance that is greater than zero.

Regarding claim 6 having similar limitations as claim 1, Choy also fails to disclose that the body comprises a left sidewall and a right sidewall, the insert has an insert left sidewall and an insert right sidewall such that the insert is coupled to the base plate since the left sidewall and the insert right sidewall supports the insert cover that is positioned between the insert left sidewall and the insert right sidewall. Therefore, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the body having a left sidewall and a right sidewall in such a way that the left sidewall of the body connects to a insert left sidewall and the right sidewall of the body connects to a insert right sidewall such that the insert is supported by the left sidewalls and the right sidewalls of the body and the insert.

For claim 21, Choy discloses a manually releasable clip holder comprising a base-plate, an insert and a flap and spring combination. The base-plate is substantially. The insert is coupled to the base-plate. The insert has an insert cover positioned over the base-plate to form an insert channel over the base plate. The insert cover has a top edge, a bottom edge, an inner surface and an outer surface. The insert channel has an insert channel entrance adjacent the insert cover top edge. The flap and spring

Art Unit: 3677

combination is formed of a single homogeneous piece of material and having a flap portion pivotally coupled to the base plate. The flap portion has a bottom edge. The flap and spring combination has a spring portion coupled to restore the flap portion to a predetermined restored position with the flap bottom edge positioned above the cover top edge with the flap bottom edge protruding beyond the insert cover outer surface by a predetermined insert cover outer surface to flap bottom edge clearance distance that is greater than zero. Once again Choy fails to disclose that the flap bottom edge is extended towards the insert channel. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the flap bottom edge extended towards the insert channel and having the flap bottom edge also protruding beyond the insert cover outer surface by a clearance distance that is greater than zero.

Regarding claim 22 having similar limitations as claim 21, Choy also fails to disclose that the body comprises a left sidewall and a right sidewall, the insert has an insert left sidewall and an insert right sidewall such that the insert is coupled to the base plate since the left sidewall and the insert right sidewall supports the insert cover that is positioned between the insert left sidewall and the insert right sidewall. Therefore, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the body having a left sidewall and a right sidewall in such a way that the left sidewall of the body connects to a insert left sidewall and the right sidewall of the body connects to a insert right sidewall such that the insert is supported by the left sidewalls and the right sidewalls of the body and the insert.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kochanski (US 1,519,380), Gordon (US 1,980,678), Morton (US 2,995,792), Lisowski (US 5,054,170), Otrusina (US 5,054,170 and US 5,201,858), Pirhonen (US 5,622,296) and Choy are cited to show state of the art with respect to manually releasable clip holders having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.


Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

July 22, 2006


ROBERT J. SANDY
PRIMARY EXAMINER